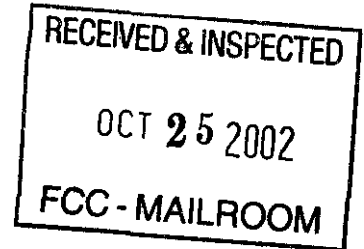




DOCKET FILE COPY ORIGINAL



**HORIZON SCIENCE ACADEMY**  
**REQUEST FOR WAIVER**

**CC DOCKET NOS.96-45 AND 97-21**

Name of Contact: MR. SEDAT DUMAN  
Address: 6000 SOUTH MARGINAL ROAD  
CLEVELAND, OH 44103  
Phone No: 216-432-3660  
Fax Number: 216-432-3670  
  
SLD Action: Administrator's decision denying appeal dated  
August 26, 2002  
Funding year: 2001-2002  
Rejection letter / Funding Commitment Letter  
Date of Letter: 1/11/2002  
Date Appeal Received: 8/21/2002  
  
Applicant Name: Horizon Science Academy  
471 Application No: 266453  
Billed Entity Number: 222203

Funding Request Number: 673942

Funding denied because of lack of Certified Form 470.  
Certified Form 470 was timely submitted but apparently must have been misplaced, because SLD acknowledges receipt of Form 471, which accompanied the Form 470.

**REASON FOR REQUEST OF WAIVER BY FCC OF SLD DECISION LETTER**

- Funding denied due to lack of certified form 470 is incorrect because the manually signed form 470 was included with the original form 471, which was received by the SLD on 1/18/2002.
- The applicant never received the SLD rejection letter of funding Commitment – (Affidavit Enclosed)
- Applicant wrote to SLD on 7/2/2002 requesting status of Funding Commitment for year 2001-2002(Copy Enclosed). No response was received.

No. of Copies rec'd  
List ABCDE



P<sup>e</sup> 2 of 2

- ~~August 6<sup>th</sup>~~ **when** applicant found out through data retrieval system on the website that **funding** was denied because of a lack of certified form **470**, ~~requested for~~ a copy of the **original funding letter, which was received on Aug 13<sup>th</sup>**. *8/13/02*
- On ~~August 21<sup>st</sup>~~ **sent an appeal to SLD requesting to** reconsider,

#### THE FUNDING SINCE:

- We submitted the certified form 470 on time along with form 471, which was received - *"by SLD on 1/18/03"*
- Since we did not receive the original rejection/FCL letter we were not able to timely file an appeal.
- Based on the above facts we kindly request you to grant a request for review.

#### ENCLOSED COPIES OF:

- Copy of letter sent to SLD on July 2<sup>nd</sup> requesting status on the application.
- Copy of letter sent to SLD on Aug 6<sup>th</sup> 2002, requesting a copy of Original FCL letter since we did not receive the original.
- Copy of Letter Re-Order from SLD mailed on Aug 13<sup>th</sup>
- Copy of letter of Appeal sent to SLD on Aug 21<sup>st</sup>
- Copy of Administrator's Decision on Appeal from USAC mailed on Aug 26<sup>th</sup> 2002
- Sworn affidavit from Mr. Taner Ertekin who did not receive the original FCL letter mailed on Jan 11<sup>th</sup> 2002.
- Copy of letters from Parents at Horizon Science Academy requesting FCC to grant request for review.
- Copy of letter from Director Sedat Duman of Horizon Science Academy to FCC to reconsider and grant a request for review.

By:   
Mr. Sedat **Duman**  
Director

Horizon Science Academy

Tel No: 216-432-3660

6000 South Marginal Road. Cleveland, OHIO 44103 • (216) 432-3660 • Fax: (216) 432-3670

WEB: <http://www.hsas.org> e-mail: [Info@hsas.org](mailto:Info@hsas.org)



## HORIZON SCIENCE ACADEMY

July 2, 2002

School & Libraries Division  
3833 Greenway Drive  
Lawrence, KS 66046

Attn: Ms. Smith

Re: Entity No: 22203  
471 Application No: 308766 Funding Year 2002  
471 Application No 624470 for Funding Year 2001

We are writing to find out the status for E-rate funding for year 2002 for Both Telecommunication and Internal Connections.

We had also applied last year under the E-rate funding and even though we were Eligible for 90% funding we were never awarded this amount. We understand that all of the schools eligible for 90% discount were awarded the funding and would like to know why our school was not included.

We would appreciate if you could review our application and let us know if we have complied with all of the requirements or you need any further documentation.

Looking forward to hearing from you soon.

Horizon Science Academy

By: Sedat Duman

*Copy.*



## HORIZON SCIENCE ACADEMY

Aug 6<sup>th</sup> 2002

Schools & Libraries Division  
Lawrence, KS 66046

Attn: Debbie:

Via Fax to 1-888-276-8736

Dear Debbie:

Re: 471 Application # 266453  
School Entity No: 222203  
FRN Mailed on Jan 11<sup>th</sup> 2002

Confirming our phone conversation of today's date, I wish to  
Advise you that Mr. Taner Ertekin is no longer with our school.

I have taken over as the new Director of Horizon Science academy and  
All correspondence should be sent to my attention.

As I mentioned to you we have not received the funding Commitment  
Letter for the above 471 application for the year 2001. Kindly fax the  
same to my attention at Fax 216-432-3670.

If you have any questions please contact me.

Thanking you,

Horizon Science Academy

By: Sedat Duman  
Director

Cc: Polo Wireless Inc, Cleveland, Ohio

✓ Copy.

**SCHOOLS AND LIBRARIES DIVISION****Letter Re-Order Advisory Cover Sheet**

To: Horizon Science Academy  
Sedat Duman  
6000 S. Marginal Road  
Cleveland OH 441034103

Date: August 13, 2002

**Important Notice**

Attached you will find a copy of the requested letter. It is important to note that all terms, conditions, dates and/or actions imposed by the Schools and Libraries Program on applicants or service providers that are dependent on the specific dates in effect with the original letter remain unchanged.

This advisory is especially important if you are considering filing an appeal. See the "Appeals Procedure" in the Reference Area of the SLD web site <[www.sl.universalservice.org](http://www.sl.universalservice.org)> for more information on appeal deadlines and how to file your appeal.  
Schools and Libraries Division

Re: Form 470 Application# \_\_\_\_\_ Form 471 Application# 266453

SPIN \_\_\_\_\_ BEN 31267

**Letter Type Requested:**

Form 470 Receipt Notification Letter (Applicants Only)	_____
Form 471 Receipt Acknowledgement Letter (RAL) – Applicant	_____
Form 471 Receipt Acknowledgement Letter (RAL) – Service Provider	_____
Funding Commitment Decision Letter (FCDL) – Applicant	_____ <u>X</u> _____
Funding Commitment Decision Letter (FCDL) – Service Provider	_____
Form 486 Notification Letter – Applicant	_____
Form 486 Notification Letter – Service Provider	_____
Form 500 Notification Letter – Applicant	_____
Form 500 Notification Letter – Service Provider	_____
Billed Entity Applicant Reimbursement (BEAR) Letter – Applicant	_____
Billed <del>Entity</del> Applicant Reimbursement (BEAR) Letter – Service Provider	_____
Quarterly Disbursements	_____

Requested By: Sedat Duman

Phone # 216-432-3660

Request Date: August 12, 2002

FUNDING COMMITMENT DECISION EXPLANATION: This entry may amplify the comments in the "Funding Commitment Decision" area.

DUPLICATE LETTER

FDCL/Schools and Libraries Division/USAC

Page 5 of 6

01/11/2002



Universal Service Administrative Company  
Schools & Libraries Division

FUNDING COMMITMENT DECISION LETTER

(Funding Year 4: 07/01/2001 - 06/30/2002)

January 11, 2002

HORIZON SCIENCE ACADEMY  
TANER ERTEKIN  
6000 S. MARGINAL ROAD  
CLEVELAND, OH 44103-4103

Re: Form 471 Application Number: 266455  
Funding Year 4: 07/01/2001 - 06/30/2002  
Billed Entity Number: 222203

Thank you for your 2001-2002 E-rate application and for any assistance you provided throughout our review. We have completed review of your Form 471. This letter is to advise you of our decision(s).

FUNDING COMMITMENT REPORT

On the pages following this letter, we have provided a Funding Commitment Report for the Form 471 application cited above. We have reviewed each Discount Funding Request on your Form 471 application and have assigned a Funding Request Number (FRN) to each Block 5. The enclosed report includes a list of the FRNs from your application. The SLD is also sending this information to your service provider(s) so preparations can be made to begin implementing your E-rate discount(s) upon the filing of your Form 486. Immediately preceding the Funding Commitment Report, you will find a guide that defines each line of the Report.

NEXT STEPS

Once you have reviewed this letter and have determined that some or all of your requests have been funded, your next step to facilitate receipt of discounts as featured in this Letter will be to file an FCC Form 486 with the SLD. The Form 486 notifies the SLD to begin payment to your service provider and provides certified indication that Your technology plan(s) has been approved. The Form 486 and instructions can be found on the 9Ln web site at <www.sl.universalservice.org> or you can call the SLD Client Service Bureau at 1-888-203-8100 and ask that the form be sent to you. The new Form 486, dated July 2001 in the lower right corner, MUST be used for Funding Year 4 and for any previous funding years. Subsequent submissions of earlier versions of the Form 486 will be returned to you and will not be able to be processed. As you complete Form 486, you should also contact your service provider to verify they have received notice from the SLD of your funding commitments. After the SLD processes your Form 486, we can begin processing invoices from your service provider(s) so they can be reimbursed for discounted services they have provided you.

On December 21, 2000, the Children's Internet Protection Act was signed into law. That law will require schools and libraries that receive universal Service discounts for certain services to adopt an Internet safety policy incorporating the use of filtering or blocking technology on computers with Internet access as a condition of receiving those discounts. THE LAW DOES ACT, HOWEVER, REQUIRE THIS TO BE IN PLACE FOR FUNDING YEAR 4. RECIPIENTS WILL HAVE TO CERTIFY, HOWEVER, THAT THEY ARE UNDERTAKING SUCH ACTIONS, INCLUDING NECESSARY PROCUREMENT PROCEDURES, TO PUT SUCH TECHNOLOGY PROTECTION MEASURES IN PLACE. For Funding Year 4 (the Funding Year beginning July 1, 2001), Billed Entities filing Form(s) 486 may encounter one or more situation(s) that will affect their filing deadline(s). See the requirements for Funding Year 4 below and the Form 486

## A GUIDE TO THE FUNDING COMMITMENT REPORT

Attached to this letter will be a report for each E-rate funding request from your application. We are providing the following definitions.

**FUNDING REQUEST NUMBER (FRN):** A Funding Request Number is assigned by the SLD to each Block 5 or your Form 471 once an application has been processed. This number is used to report to Applicants and service Providers the status of individual discount funding requests submitted on a Form 471.

**FUNDING STATUS:** Each FRN will have one of three definitions: "Funded," "Not Funded," or "As Yet unfunded."

1. An FRN that is "Funded" will be approved at the level that SLD determined is appropriate for that item. The funding level will generally be the level requested unless the SLD determines during the application review process that some adjustment is appropriate.
2. An FRN that is "Not Funded" is one for which no funds will be committed. The reason for the decision will be briefly explained in the "Funding Commitment Decision," and amplification of that explanation may be offered in the section, "Funding Commitment Decision Explanation." An FRN may be "Not Funded" because the request does not comply with program rules, or because the total amount of funds in the Universal Service Fund was insufficient to fund all requests.
3. An FRN that is "As Yet Unfunded" reflects a temporary status that is assigned to an FRN when the SLD is uncertain at the time the letter is generated whether there will be sufficient funds to make commitments for requests for internal connections at a particular discount level. For example, if your application included requests for discounts on both telecommunications services and internal connections, you might receive a letter with our funding commitment on your telecommunications funding requests and a message that your internal connections requests are "As Yet Unfunded." You would receive a subsequent letter(s) regarding the funding decision on your internal connections requests.

**SERVICES ORDERED:** The type of service ordered from the service provider, as shown on Form 471.

**SPIN (Service Provider Identification Number):** A unique number assigned by the Universal Service Administrative Company to service providers seeking payment from the Universal Service Fund for participating in the universal service support programs. A SPIN is also used to verify delivery of services and to arrange for payment.

**SERVICE PROVIDER NAME:** The legal name of the service provider.

**CONTRACT NUMBER:** The number of the contract between the eligible party and the service provider. This will be present only if a contract number was provided on Form 471.

**BILLING ACCOUNT NUMBER:** The account number that your service provider has established with you for billing purposes. This will be present only if a Billing Account Number was provided on Form 471.

**EARLIEST POSSIBLE EFFECTIVE DATE OF DISCOUNT:** The first possible date of service for which the SLD will reimburse service providers for the discounts for the service.

**CONTRACT EXPIRATION DATE:** The date the contract expires. This will be present only if a contract expiration date was provided on Form 471.

**SITE IDENTIFIER:** The Entity Number listed in Form 471, Block 5, Item 22a will be listed. This will appear only for "site specific" FRNs.

**PRE-DISCOUNT AMOUNT:** Amount in Form 471, Block 5, Item 23, Column I, as determined through the application review process.

**DISCOUNT PERCENTAGE APPROVED BY THE SLD:** This is the discount rate that the SLD has approved for this service.

**FUNDING COMMITMENT DECISION:** This represents the total amount of funding that the SLD has reserved to reimburse service providers for the approved discounts for this service through June 30, 2002. It is important that you and the service provider both recognize that the SLD should be invoiced and the SLD may direct disbursement of discounts only for eligible, approved services actually rendered.

## DUPLICATE LETTER



## DUPLICATE LETTER

Instructions for more information on filing deadlines to ensure that your discounts can be paid retroactively to the Service Start Date. You are advised to keep proof of the date of mailing.

1. If Funding Year A services start on or before Sunday, October 28, 2001, and the date of your Funding Commitment Decision Letter is before Sunday, October 28, 2001, your Form 486 must be postmarked on or before October 28, 2001 in order for discounts to be paid retroactively to the service Start Date. Failure to meet this certification deadline will result in reduced funding.
2. If your services start after October 28, 2001, your Form 486 must be postmarked no later than 120 days after the Service Start Date or 120 days after the date of the Funding Commitment Decision Letter, whichever is later, in order for discounts to be paid retroactively to the service Start Date. Failure to meet this filing deadline will result in reduced funding.

You may also check the SLD web site at <[www.sl.universalservice.org](http://www.sl.universalservice.org)> or call the Client Service Bureau at 1-888-203-8100 for more information about how this new law might impact universal service discounts and any needed documentation for Funding Year 4 (July 1, 2001-June 30, 2002).

### TO APPEAL THESE FUNDING COMMITMENT DECISIONS

If you wish to appeal the Funding Commitment Decision(s) (FCD) indicated in this letter, your appeal must be made in writing and RECEIVED BY THE SCHOOLS AND LIBRARIES DIVISION (SLD) at the SLD address below WITHIN 60 DAYS OF THE ABOVE DATE ON THIS LETTER. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include The name, address, telephone number, fax number, and e-mail address (if available) **of** the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify which FCD Letter you are appealing. Indicate the relevant funding year and the date of the Funding Commitment Decision Letter. Your letter of appeal must also include the applicant name, the Form 471 Application Number, and the Billed Entity Number from the top of your FCD Letter.
3. Identify the particular Funding Request Number (FRN) that is the subject of your appeal. When explaining your appeal, include the precise language or text from the Funding Commitment Decision Letter that is at the heart of your appeal. By pointing us to the exact words that give rise to your appeal, the SLD will be able to more readily understand and respond appropriately to your appeal. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep copies of your correspondence and documentation.
4. Provide an authorized signature on your letter of appeal.

Please Send your appeal to: Letter of Appeal, Schools and Libraries Division, Box 125 - Correspondence Unit, 80 South Jefferson Road, Whippany, NJ 07981. New options for filing an appeal can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site <[www.sl.universalservice.org](http://www.sl.universalservice.org)>.

While we encourage you to resolve your appeal with the SLD first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC): FCC, Office of the Secretary, 445-12th Street SW, Washington, DC 20554. If you are submitting your appeal to the FCC by other than United States Postal Services, check the SLD web site for more information. You should refer to CC Docker Nos. 36-45 and 97-21 on the first page of your appeal to the FCC. Your appeal must be made in writing and RECEIVED BY THE FCC at the FCC address above WITHIN 60 DAYS OF THE ABOVE DATE ON THIS LETTER. Failure to meet this requirement will result in automatic dismissal of your appeal. Further information and new options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site <[www.sl.universalservice.org](http://www.sl.universalservice.org)>.

### NOTICE ON ROLES AND FUNDS AVAILABILITY

Applicants' receipt of funding commitments is contingent on their compliance with ERI statutory, regulatory, and procedural requirements of the universal service mechanisms for schools and libraries. FCC Form 471 Applicants who have received funding commitments continue to be subject to audits and other reviews that SLD or the Federal Communications Commission may undertake periodically to assure that funds have been committed and are being used in accordance with all such requirements. If the SLD subsequently determines that its commitment was erroneously issued due to action or inaction, including but not

DUPLICATE LETTER



## HORIZON SCIENCE ACADEMY

August 21, 2002

Universal Service Administration  
Schools & Libraries Division  
Letter of Appeal  
Box 125-Correspondence Unit  
80 South Jefferson Road  
Whippany, NJ 07981

### LETTER OF APPEAL

FORM 471 APPLICATION NO 266453  
FUNDING REQUEST NUMBER: 673942  
BILLED ENTITY NO: 222203  
NAME: HORIZON SCIENCE ACADEMY

Dear Sir:

We never received the original funding letter dated Jan 11th 2002. We therefore requested for a copy of the funding letter, which we received on Aug 13<sup>th</sup>.

According to the letter the funding was denied because of a lack of A certified Form 470.

Please note that we had sent the manually signed Form 470 along with the signed 471 application. In fact it was enclosed in a separate envelope with a heading "Manually Signed Form 470". You received this on January 18<sup>th</sup> 2001.

We are also enclosing a copy of the signed Form 470 for your reference. We request you to kindly reconsider our application.

Name: Sedat Duman Tel No: 216-432-3660 Fax No: 216-432-3670

Horizon Science Academy

By: Sedat Duman  
Director



**Universal Service Administrative Company**  
Schools & Libraries Division

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**Administrator's Decision on Appeal**

August 26, 2002

Scdat Duman  
Horizon Science Academy  
6000 South Marginal Road  
Cleveland, OR 44103

Re: Application Number: 266453  
Funding Year: 2002-2003  
~~Date of Issuance of {Rejection Letter~~  
Postcard ~~Notification/Funding~~  
~~Commitment Letter~~) : 01/11/2002  
Date Appeal Received: **09/21/2002**

Our records show that your appeal **was** received more than 60 days after the date your Form 471 Certification-Rejection Letter was issued (see dates above). The Federal Communications Commission (FCC) **rules** require applicants to submit appeals so USAC/SLD receives them within **60 days** of the date that the relevant Funding Commitment Decision Letter was issued. (See "Appcals Procedure" at <http://www.sl.universalservice.org/reference/AppealsProcedureYR4.asp>) The FCC **rules** do **not** permit the SLD to consider your appeal. If **you** wish to continue this process, you **may** submit a new **appeal** via the **United States Postal Service**, stating the impediment to your filing your appeal within the **original** time, **to** the FCC **at** the following address:

Federal Communications Commission  
Office of the Secretary  
**445** 12th Street, S.W.  
Washington, DC 20554

If you are submitting your appeal to the FCC by **means** other **than** the United States Postal **Service**, check the **SLD** web site for more information. Please reference CC Docket Nos. 96-45 and 97-21 on the first page of your appeal. **The FCC must RECEIVE your appeal WITHIN 60 DAYS OF THE ABOVE DATE ON THIS LETTER** for your appeal to be considered filed in a timely fashion. Further information and new options for filing an appeal directly with the FCC can be found in the "Appcals Procedure" posted in the Reference Area of the **SLD** web site, [www.sl.universalservice.org](http://www.sl.universalservice.org), or by contacting the Client **Service** Bureau at 1-(888)-203-8100.

Schools and Libraries Division  
Universal Services Administrative Company

**AFFIDAVIT**  
**TO WHOMSOEVER IT MAY CONCERN**

Date OCT 11, 2002

I, Taner Ertekin, being duly sworn, State that I have never received The Funding Commitment later dated Jan 11<sup>th</sup> 2002 mailed by the Schools & Libraries Division.

At that time our school had recently moved into the new office location And as such it might have been **lost** in the mail.

Further Affiant sayeth Naught.

Taner Ertekin  
**By: Taner Ertekin**

JAMES D. CLARY, JR.  
Notary Public, State of Ohio, Cuy. Co.  
My Comm. Expires Nov 2, 2005

Sworn to & subscribed before me this 11<sup>TH</sup> day of OCTOBER 2002

James D. Clary, Jr.  
**By Notary Public**



## HORIZON SCIENCE ACADEMY

Sep 27<sup>th</sup> 2002

Federal Communication Commission  
Office of the Secretary  
445-12<sup>th</sup> Street, SW  
Washington, DC. 20554

Attn: Mr. Mark G. Seifert  
Deputy Chief, Telecommunication Access Policy Division  
Wireline Competition Bureau

Dear Sir:

In December of 2000 when we had applied for E-rate funding we had an estimated 192 students, presently we have over 400 Full time students. It is very critical we obtain funding for Internal connections due to our commitment for our Technology plans for our school.

1. We had submitted our signed Form 470 along with the signed Form 471, which SLD received on Jan 18<sup>th</sup> 2001.

2. In error SLD determined that they did not receive signed Form 470 and thus sent a letter out on Jan 11<sup>th</sup> declining the funding, which we never received.

3. On Aug 6<sup>th</sup> we learnt from the Data retrieval system posted on the WEB that the funding was denied. By then it was over 60 days for us to file a timely appeal.

Based on the above circumstances, we kindly request you to reconsider our appeal and grant us a request for review.

Thanking you,

Very truly yours,

By: Sedat Duman  
Director

## 19. The applicant includes: (Check one or both)

- a. ☒ schools under the statutory definitions of elementary and secondary schools found in the Elementary and Secondary Education Act of 1965, 20 U.S.C. Secs. 8801(14) and (25), that do not operate as for-profit businesses and do not have endowments exceeding \$50 million; and/or
- b. ☐ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any school (including, but not limited to) elementary and secondary schools, colleges and universities.

## 20. All of the individual schools, libraries, and library consortia receiving services under this application are covered by:

- a. ☒ individual technology plans for using the services requested in the application
- b. ☐ higher-level technology plans for using the services requested in the application
- c. ☐ no technology plan needed; application requests basic local and long distance telephone service only.


## 21. Status of technology plans (If representing multiple entities with mixed technology plan status, check both a and b):

- a. ☐ technology plan(s) has/have been approved by a state or other authorized body.
- b. ☒ technology plan(s) will be approved by a state or other authorized body.
- c. ☐ no technology plan needed; application requests basic local and long distance telephone service only.

22. ☒ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value.

23. ☒ I recognize that support under this support mechanism is conditional upon the school(s) or library(ies) represent securing access to all of the resources, including computers, training, software, maintenance, and electrical connections necessary to use the services purchased effectively.

24. ☒ I certify that I am authorized to submit this request on behalf of the above-named entities, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

25. Signature of authorized person: 

26. Date (mm/dd/yyyy): 12/12/2000

27. Printed name of authorized person: Taner Ertelkin

28. Title or position of authorized person: Director

29. Telephone number of authorized person: (216) 251-9170 ext.